

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Nahya Wimpye

Defendant(s)

Case No. 1:21-mj-749

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 25, 2020 in the county of Hamilton in the
Southern District of Ohio, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 922(g)(1)

Possession by a Prohibited Person

This criminal complaint is based on these facts:

See Affidavit

☒ Continued on the attached sheet.

B.T.W.

Complainant's signature

Brian T. Williams, TFO, ATF

Printed name and title

Sworn to before me and signed in my presence.
via FaceTime video

Date: Oct 20, 2021

City and state: Cincinnati, Ohio

Karen L. Litkovitz
Karen L. Litkovitz
United States Magistrate Judge



**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A CRIMINAL COMPLAINT**

I, BRIAN T. WILLIAMS, being duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a criminal complaint charging NAHYA WIMPYE with a violation of 18 U.S.C. § 922(g)(1), Possession by a Prohibited Person.

2. I am a Task Force Officer (TFO) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and have been assigned since March 2018. As a part of my training with the ATF, I completed Task Force Officer training, at ATF Headquarters located in Washington D.C in June 2019. I also completed National Integrated Ballistic Information Network (N.I.B.I.N.) training, located in Cincinnati, Ohio, in March of 2018.

3. In my assignment with ATF, I have been assigned to the Cincinnati Field Office in the Southern Judicial District of Ohio. In conjunction to my assignment with ATF, I am also a Deputy Sheriff with the Hamilton County Sheriff's Office in Hamilton County, Ohio. I have been employed in that capacity since March of 2002. I have been assigned to the Criminal Investigation Section since September of 2006 and have taken part in various criminal investigations during my tenure. I have received additional training in several areas of law enforcement, including but not limited to Ohio Department of Public Safety in fraudulent document investigation, John E. Reid and Associates for interviewing and interrogation techniques, Butler Tech Law Enforcement Institute for basic criminal investigations, Hamilton County Coroner's Laboratory in physical evidence for shooting investigations, Ohio State Highway Patrol on fraudulent document detection, Ohio Attorney General's fraud against seniors course and human trafficking investigation, Southern Police Institute for homicide investigations and sex crimes investigations, Law Enforcement Officer Technology Training Associates for social media investigations,

National Institute for Truth Verification for truth verification testing and examination techniques, Southwest Ohio Regional Training Center with Ohio Child Welfare for Beyond the Silence child abuse investigations, David Mandel and Associates Safe and Together Program for investigations with children involved in domestic violence, Ohio Crisis Intervention Team for investigating and responding to incidents of crisis or in mental health, Public Agency Training Council for child death and homicide investigation as well as officer involved shootings.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other officers and witnesses, as well as my review of Body Worn Camera video footage and law enforcement reports. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

5. On December 25, 2020, Hamilton County Sheriff's Office (HCSO) Deputy Gregory Burke initiated a traffic stop on a 2012 Hyundai Sonata, bearing Ohio Temporary License Plate K801420 for a brake light violation on Shepherd Lane at Interstate 75. After activating his emergency lights and sirens, the driver failed to comply with the signal to stop and continued onto southbound Interstate 75. The vehicle then exited onto Cooper Avenue in Lockland, Ohio. Additional officers from Lockland Police Department and HCSO assisted, and the vehicle finally stopped on Lock Street.

6. Once the vehicle stopped, officers utilized a felony traffic stop and ordered the occupants out of the vehicle. When the subjects were cleared from the vehicle they were identified as Wendell Baldwin (driver) and NAHYA WIMPYE (front seat passenger). Due to the arrest for Failure to Comply and Baldwin being under a driver's suspension, the vehicle was inventoried,

and a firearm was located on the rear driver's side seat. The firearm was seized and submitted into property under property tag 04-132178.

7. The firearms recovered is described as follows:

- a. a Century Arms, Micro Draco, 7.62x39 millimeter semi-automatic pistol bearing serial number PMD-11773-19RO loaded with 18 rounds of 7.62x39 millimeter ammunition.

8. Deputy Burke requested a DNA sample from Baldwin and WIMPYE. A Hamilton County DNA Consent Form was presented to both individuals and they both consented to providing a sample of DNA. Baldwin's DNA sample was placed on property tag 04-132625 and WIMPYE'S DNA sample was placed on property tag 04-132177.

9. On December 30, 2020, the Century Arms Micro Draco was swabbed for DNA by TFO Williams and test fired. The firearm was operational, and the DNA swabs were placed in the box with the firearm.

10. On April 6, 2021, Deputy Burke submitted the DNA swabs from the Century Arms Micro Draco (Property Tag 04-134854), known DNA sample from Wendell Baldwin (Property Tag 04-132625) and known DNA sample from NAHYA WIMPYE (Property Tag 04-132177) to the Hamilton County Coroner's Office Crime Laboratory for comparative analysis.

11. On August 9, 2021, Forensic Scientist Mark Squibb, Hamilton County Coroner's Office Crime Laboratory, submitted his report from the serology testing. He determined WIMPYE is the major DNA profile obtained from the swabs of the Century Arms Micro Draco.

12. On August 20, 2021, Deputy Burke filed a warrant for the arrest of WIMPYE charging him with Having Weapons While Under Disability (2923.13 Ohio Revised Code), Carrying a Concealed Weapon (2923.12 Ohio Revised Code), and Improperly Handling Firearms

in a Motor Vehicle (2923.16 Ohio Revised Code). WIMPYE has since been arrested on the warrant and is awaiting his court date on Hamilton County Common Pleas Court Case B2104386.

13. ATF Special Agent William D. Crayner conducted an interstate nexus inquiry on the firearm described above. The firearm described above was manufactured outside the state of Ohio. Therefore, the firearm WIMPYE possessed traveled in interstate commerce prior to December 25, 2020.

14. Prior to December 25, 2020, WIMPYE had been convicted of crimes punishable by a term of imprisonment exceeding one year. Specifically, WIMPYE was convicted of Escape and Having Weapons While Under Disability in Hamilton County (OH) Court of Common Pleas Case Number B1802739. Escape and Having Weapons While Under Disability are each crimes punishable by a term of imprisonment exceeding one year. WIMPYE's Entry of a Plea of Guilty in Case B1802739 advised WIMPYE that the maximum sentence of imprisonment was thirty-six (36) months for his Escape conviction and thirty-six (36) months for his Having Weapons While Under Disability conviction. WIMPYE signed the Entry of Plea of Guilty form on December 3, 2018, which expressly stated "I understand the maximum penalty." Therefore, on December 25, 2020, WIMPYE knew he had previously been convicted of a crime punishable by a term of imprisonment exceeding one year. Also, WIMPYE was convicted of Having Weapons While Under Disability, Receiving Stolen Property (Firearm), and Receiving Stolen Property (Motor Vehicle) in Hamilton County (OH) Court of Common Pleas Case Number B1600465. Having Weapons While Under Disability, Receiving Stolen Property (Firearm), and Receiving Stolen Property (Motor Vehicle) are each crimes punishable by a term of imprisonment exceeding one year. WIMPYE's Entry of a Plea of Guilty in Case B1600465 advised WIMPYE that the maximum sentence of imprisonment was thirty-six (36) months for his Having Weapons While


Under Disability conviction, eighteen (18) months for his Receiving Stolen Property (Firearm) conviction, eighteen (18) months for his Receiving Stolen Property (Motor Vehicle) conviction. WIMPYE signed the Entry of Plea of Guilty form on April 12, 2016, which expressly stated “I understand the maximum penalty.” Therefore, on December 25, 2020, WIMPYE knew he had previously been convicted of a crime punishable by a term of imprisonment exceeding one year.

15. All the events described above occurred within the Southern District of Ohio.

CONCLUSION

16. Based on the facts set forth in the Affidavit, there is probable cause to believe that on or about December 25, 2020, in the Southern District of Ohio, NAHYA WIMPYE committed a violation of 18 U.S.C. § 922(g)(1), Possession by a Prohibited Person.

Respectfully submitted,



BRIAN T. WILLIAMS
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms, and
Explosives

Subscribed and sworn to before me on this 20th day of October, 2021



Karen L. Litkovitz
United States Magistrate Judge

